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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,214	12/31/2003	Thomas J. Patire	CDT-0002-P01	6713

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EXAMINER	
SAADAT, CAMERON	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/748,214	PATIRE, THOMAS J.	
	Examiner	Art Unit	
	Cameron Saadat	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/31/2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 10 objected to because of the following informalities: In line 2, "raining track" should be replaced with -- training track --, in order to correct the typographical error.

Drawings

Drawings filed 12/31/2003 are informal. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102 (b) as being anticipated by Crancer, Jr. (4,165,570; hereinafter Crancer).

Regarding claim 9, Crancer discloses an apparatus for child safety training, comprising: a simulated pedestrian course for traversal by children, the course having obstacles thereon at spaced locations for children to negotiate as they proceed along the course; a sound recording associated with the obstacle course, the sound recording having sound segments each of which is indicative of a hazardous condition, wherein each segment is separated from prior and subsequent segments by time intervals, the time intervals being of a duration sufficient for a child to advance over a portion of the course, and instructions associated with each hazardous condition for informing a child as to an effective response to the hazardous condition. *See Col. 3, lines 24-41; Col. 3, line 67 – Col. 4, line 18.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crancer, Jr. (4,165,570; hereinafter Crancer).

Regarding claim 1, Crancer discloses a method of training children to avoid hazards, comprising: teaching a group of children sounds of hazardous conditions by playing a recording having a series of sound segments wherein each sound segment has the sounds of a distinct hazardous condition and each sound segment is separated from proceeding and following sound segments by a time interval (See Col. 3, lines 24-41); while playing the recording having the children traverse a simulated pedestrian passage and starting in a safe position adjacent to the simulated pedestrian passage prior to playing each sound track segment; upon each sound segment playing, having the children perform hazard avoidance responses designed specifically for the hazardous condition of that sound segment; and repeating these steps until the children have developed appropriate hazard avoidance responses specific to sound patterns indicative of specific hazardous conditions. *See Col. 3, line 67 – Col. 4, line 18.* Crancer discloses all of the

claimed subject matter with the exception of explicitly disclosing that the children are given an opportunity to run a reasonable distance before and prior to playing each sound track segment. However, Crancer teaches that the children are provided a safe starting position adjacent to the simulated pedestrian passage prior to playing the hazardous sound track segments, in order to give the children an opportunity to make a decision on how to react to a hazardous condition. Thus, it would have been obvious to one of ordinary skill in the art to modify the pedestrian obstacle course described in Crancer, by allowing the child run or position himself a reasonable distance from the simulated hazard, before playing the hazardous sound segment, in order to give the children an opportunity to make a decision on how to react to a hazardous condition.

Regarding claims 2, 4, and 10, Crancer does not explicitly disclose the feature of teaching the children the names of the hazardous conditions. However, it would have been obvious to one of ordinary skill in the art to modify the hazard training method described in Crancer, by associating a name to a hazardous situation, such as "crossing the road", in cases where a child is too young to instinctually associate a dangerous situation with a name.

Regarding claims 3 and 11, Crancer discloses a hazardous sound of an automobile horn, but does not explicitly disclose sounds of breaking or broken glass; a braking automobile; a panic stricken crowd; a vicious dog barking; police/fire vehicles in motion; a smoke detector alarm; a train in motion, and a friendly voice from a stranger asking for help. However, it is the examiner's position that it would have been an obvious matter of design choice as to the type of hazard sound played for training a child how to react in specific dangerous situations, wherein no stated problem is solved or unexpected result is obtained by prescribing these specific hazard sounds.

Regarding claims 5 and 12-16, Crancer discloses the feature of providing a sequence of audio and video hazard training slides (Col. 3, lines 24-41), but does not explicitly disclose a

specific time interval of 5 seconds or 10 seconds. However, it is the examiner's position that it would have been an obvious matter of design choice as to the predetermined time interval between slides, wherein no stated problem is solved or unexpected result is obtained by prescribing five or ten seconds.

Regarding claim 6, Crancer discloses a method wherein there are additional sound tracks having the hazardous sound segments played in orders which differ from one another. See Col. 4, lines 19-35.

Regarding claim 7, Crancer discloses a method further including leading the children through the obstacle course for at least one cycle with an instructor who demonstrates effective active responses to each hazardous condition in response to hearing sounds indicative of the hazard. See Col. 3, line 67 – Col. 4, line 5.

Regarding claim 17, Crancer discloses the feature of providing an audible tone to indicate the start of a hazardous situation, but does not explicitly disclose that the audible tone is a ringing bell. However, it is the examiner's position that it would have been an obvious matter of design choice as to the type of hazard sound played for initiating training, wherein no stated problem is solved or unexpected result is obtained by prescribing a bell.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crancer, Jr. (US 4,165,570; hereinafter Crancer) in view of Duncan, Jr. (US 5,173,052; hereinafter Duncan).

Crancer discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of requiring children to dial an emergency number as part of their hazard avoidance response. However, Duncan teaches a hazard training program, wherein a child is required to respond to an emergency by dialing an emergency number, in order to practice the use

of emergency telephone procedures (See Duncan, Col. 2, lines 16-25). In view of Duncan, it would have been obvious to one of ordinary skill in the art to modify the hazard training method described in Crancer, by requiring a child to respond to an emergency by dialing an emergency number, in order to practice the use of emergency telephone procedures, and thereby make it more likely that a child will react properly under actual emergency conditions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cameron Saadat
December 11, 2006

KATHLEEN MOSSER
PRIMARY EXAMINER